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10 **UNITED STATES DISTRICT COURT**  
11 **FOR THE DISTRICT OF NEVADA**

12 CAROLYN HANKINS, an individual,  
13  
14 Plaintiff,

15 vs.

16 TROPICANA LAS VEGAS HOTEL AND  
RESORT, INC., d/b/a TROPICANA LAS  
17 VEGAS, a corporation; CULINARY  
WORKER'S UNION LOCAL 226, a Labor  
18 Union; and DOES I through X AND ROES XI  
through XX, inclusive.

19 Defendants.  
20

Case No.: 2:14-cv-01694-JAD-GWF

**STIPULATION AND ORDER FOR  
EXTENSION OF TIME TO COMPLETE  
DISCOVERY  
(FIRST REQUEST)**

21 Defendant Tropicana Las Vegas, Inc. ("Tropicana"), Defendant Culinary Worker's Union  
22 Local 226 ("Culinary") and Plaintiff Carolyn Hankins ("Hankins"), by and through their respective  
23 undersigned counsel, hereby submit this first joint request for a ninety (90) day extension of the  
24 discovery cut-off period and related deadlines as contained in the Discovery Plan and Scheduling  
25 Order. (Doc #19.) This request is submitted pursuant to LR 6-1, 6-2, 7-1 and 26-4.

26 Good cause exists to extend the discovery cut-off in this matter. On May 6, 2015, the parties  
27 appeared for a hearing on Defendant Culinary's Motion to Dismiss, whereby the Court ordered  
28 Plaintiff to file an Amended Complaint. (Dkt. #23.) On May 26, 2015, Plaintiff filed her

1 Amended Complaint. (Dkt. #24.) Defendants would like to extend discovery to respond to  
 2 Plaintiff's Amended Complaint as well as conduct written discovery and take depositions based on  
 3 the allegations contained in Plaintiff's Amended Complaint.

4 Moreover, Defendant Culinary will renew its challenge to the Amended Complaint by filing  
 5 a second Rule 12(b)(6) motion. An extension will save judicial resources by reducing the  
 6 likelihood that the Court may be asked to address discovery disputes prior to ruling whether the  
 7 Amended Complaint states a claim. Furthermore, in the event the Court were to resolve the motion  
 8 by granting Plaintiff additional leave to amend, that amendment would not likely be filed until at or  
 9 after the current discovery cut-off date, requiring the parties to seek an additional extension and to  
 10 incur the cost of additional discovery to respond to any new claims.

11 The current discovery-cut-off date is July 29, 2015. Therefore, this first joint request for an  
 12 extension of time is based upon the following:

13 **I. DISCOVERY COMPLETED TO DATE**

14 The parties have exchanged Initial Disclosures. Culinary propounded written discovery on  
 15 Plaintiff on March 27, 2015, including Request for Admissions, Request for Production and  
 16 Interrogatories. Plaintiff provided her responses to the Request for Admissions on April 28, 2015  
 17 and her responses to the Request for Production and Interrogatories on May 6, 2015.

18 **II. REMAINING DISCOVERY TO BE COMPLETED**

19 Tropicana intends to propound written discovery on Plaintiff, including Interrogatories and  
 20 Requests for Production of Documents. Additionally, Plaintiff intends to propound written  
 21 discovery on both Tropicana and Culinary. Furthermore, Defendants intend to depose Plaintiff,  
 22 and Plaintiff intends to depose Defendants' persons' most knowledgeable, as well as several of  
 23 Defendants' agents and employees, such as Plaintiff's direct supervisor, union representative, and  
 24 others that are still to be determined through further investigation and discovery.

25 **III. REASONS DISCOVERY CANNOT BE COMPLETED WITHIN THE**  
 26 **ORIGINAL DEADLINE**

27 The parties would like additional time to respond to Plaintiff's Amended Complaint as well  
 28 as conduct discovery based upon the newly alleged factual allegations contained therein. The

parties' require additional time to (1) propound written discovery; (2) depose Plaintiff; and (3) depose Defendants' persons' most knowledgeable, as well as several of Defendants' agents and employees, such as Plaintiff's direct supervisor, union representative, and others that are still to be determined through further investigation and discovery.

Furthermore, Culinary will renew its Rule 12(b)(6) motion, which may result in Plaintiff being given leave to further amend the Complaint and require further discovery.

#### IV. REVISED PROPOSED DISCOVERY PLAN

All discovery in this case will be conducted in accordance with the Federal Rules of Civil Procedure and applicable Local Rules of this District Court. The parties propose to the Court the following cut-off dates:

- a. **Discovery Cut-off Date:** The discovery cut-off deadline shall be **October 27, 2015**.
- b. **Interim Status Report:** In accordance with LR 26-3, the parties shall file the interim status report by **August 28, 2015**, sixty (60) days, before the discovery cut-off date of October 27, 2015.
- c. **Dispositive Motions:** Dispositive motions shall be filed by **November 30, 2015**, thirty-four (34) days, as the 30<sup>th</sup> and 31<sup>st</sup> days are holidays, followed by Saturday and Sunday, after the discovery cut-off date of October 27, 2015 in accordance with LR 26-1(e)(4).
- d. **Motions in Limine/Daubert Motions:** Pursuant to LR 16-3(b), any motions in limine, including *Daubert* type motions, shall be filed and served thirty (30) days prior to trial unless the District Judge issues an order with a different deadline or briefing schedule. Oppositions shall be filed and served and the motion submitted for decision fourteen (14) days thereafter. Reply briefs will only be allowed with leave of court.
- e. **Pretrial Order:** The Pretrial Order shall be filed no later than **December 30, 2015**, thirty (30) days, after the deadline for filing dispositive motions date of November 30, 2015, in accordance with LR 26-1(e)(5). In the event dispositive motions have been filed, the Pretrial Order shall be suspended until thirty (30) days after a decision of the dispositive motions or further order of the Court. **FRCP 26(a)(3) Disclosures:** The

disclosures required by FRCP 26(a)(3), and any objections thereto, shall be included in the final pretrial order in accordance with LR 26-1(e)(6).

f. **Extensions or Modifications of the Discovery Plan and Scheduling Order:** In accordance with LR 26-4, any motion or stipulation to extend a deadline set forth in this discovery plan and scheduling order shall be received by the Court no later than twenty-one (21) days before the expiration of the subject deadline.

DATED this 1<sup>st</sup> day of June, 2015.

CANON LAW SERVICES, LLC

/s/ Elizabeth M. Tullio

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DATED this 1<sup>st</sup> day of June, 2015.

OGLETREE, DEAKINS, NASH, SMOAK & STEWART,  
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DATED this 1<sup>st</sup> day of June, 2015.

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/s/ Eric B. Myers

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IT IS SO ORDERED:

  
UNITED STATES MAGISTRATE JUDGE

Dated: June 2, 2015